

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Grayling Davis)
Petitioner,)
v.) Civil Action No. 1:04-CV-10386-MLW
Bernard Brady,)
Respondent.)

)

Petitioner's Response to Show Cause Order**Introduction**

Grayling Davis, Petitioner, challenged his Massachusetts convictions by petition in this court under 28 U.S.C. § 2254. Subsequent to the filing of the petition, the undersigned filed an appearance and a supporting memorandum. The Commonwealth later answered and filed a responsive memorandum. (District Docket).

On December 12, 2006, this court directed the petitioner to show cause why his petition should not be dismissed or, in the alternative, request that this court delete his unexhausted claims and proceed under the instant petition. The court relied upon the Commonwealth's contention that Davis failed to exhaust his claim that the collective impact of the state court errors warranted relief under the federal habeas statute. This court noted that the claim was not immediately evident in the petition, but appears clearly in Davis's supporting memorandum. (R. 23, Show Cause Order 1).

Response

The Petitioner did not intend to raise collective impact as a separate claim for

relief under § 2254. If this court deems collective impact to be a separate claim, the Petitioner respectfully requests this court to dismiss that claim, while proceeding on the balance of his 2254 claims.

Conclusion

If this court finds that collective impact is a separate claim advanced by Mr. Davis, he requests that the court delete that claim, while proceeding on the balance of the claims raised in his 2254 petition and amplified in his supporting memorandum.

Respectfully submitted,
Grayling Davis,

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